

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, MARCH 1, 2016

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Schmidt, absent and formally excused by the Chair.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Jaymond Richardson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 29, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 1, 2016

The JUDICIARY AND RULES Committee reports that [SJM 105](#), [SJM 106](#), [S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), [S 1370](#), [S 1371](#), and [S 1372](#) have been correctly printed.

LODGE, Chairman

[SJM 105](#) and [SJM 106](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), [S 1370](#), [S 1371](#), and [S 1372](#) were referred to the Finance Committee.

February 29, 2016

The JUDICIARY AND RULES Committee reports out [S 1301](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1301](#) was filed for second reading.

February 29, 2016

The JUDICIARY AND RULES Committee reports out [S 1302](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

LODGE, Chairman

[S 1302](#) was filed for second reading.

February 29, 2016

The JUDICIARY AND RULES Committee reports out [S 1300](#) and [S 1303](#) with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1300](#) and [S 1303](#) were referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 29, 2016

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Shelly Jo Enderud of Post Falls, Idaho, was reappointed as a member of the State Building Authority to serve a term commencing January 1, 2016, and expiring January 1, 2021.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

February 29, 2016

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Bud Tracy of Malta, Idaho, was reappointed as a member of the State Building Authority to serve a term commencing January 1, 2016, and expiring January 1, 2021.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 29, 2016

Dear Mr. President:

I transmit herewith [H 481](#), [H 519](#), [H 494](#), [HCR 39](#), [HCR 40](#), [HCR 44](#), [HCR 45](#), [H 532](#), [H 496](#), [H 524](#), [H 498](#), [H 500](#), [H 515](#), and [H 527](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 481](#), [H 519](#), [H 494](#), [HCR 39](#), [HCR 40](#), [HCR 44](#), [HCR 45](#), [H 532](#), [H 496](#), [H 524](#), [H 498](#), [H 500](#), [H 515](#), and [H 527](#) were filed for first reading.

February 29, 2016

Dear Mr. President:

I return herewith [S 1208](#) and [S 1202](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1208](#) and [S 1202](#) were referred to the Judiciary and Rules Committee for enrolling.

February 29, 2016

Dear Mr. President:

I transmit herewith Enrolled [HCR 42](#) and [HCR 30](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 42](#) and [HCR 30](#) and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1373

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO PROTECTION ORDERS; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7907, IDAHO CODE, TO PROVIDE AN ACTION FOR A PROTECTION ORDER AGAINST HARASSMENT AND STALKING, TO PROVIDE PROCEDURES FOR A FILING AND HEARING FOR A PROTECTION ORDER, TO PROVIDE FOR CONDUCT TO BE PROHIBITED IN A PROTECTION ORDER, TO PROVIDE FOR HOW A PETITION AND PROTECTION ORDER SHALL BE SERVED, TO PROVIDE FOR NOTICE TO LAW ENFORCEMENT AGENCIES, TO PROVIDE THAT LAW ENFORCEMENT AGENCIES SHALL TAKE CERTAIN ACTIONS FOLLOWING RECEIPT OF NOTICE, TO AUTHORIZE RENEWAL, MODIFICATION OR RESCINDING OF A PROTECTION ORDER, TO PROVIDE A PENALTY, TO PROVIDE FOR WHERE A PETITION

SHALL BE FILED, TO AUTHORIZE A SINGLE PETITION WHEN A DOMESTIC VIOLENCE PROTECTION ORDER IS ALSO SOUGHT, TO DEFINE TERMS AND TO AUTHORIZE A HEARING BY ELECTRONIC MEANS IN CERTAIN INSTANCES; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7908, IDAHO CODE, TO PROVIDE AN ACTION FOR AN EX PARTE TEMPORARY PROTECTION ORDER AGAINST HARASSMENT AND STALKING, TO PROVIDE FOR REQUIREMENTS TO PETITION FOR AN EX PARTE ORDER, TO PROVIDE FOR HEARINGS, TO PROVIDE FOR THE EFFECTIVENESS OF AN EX PARTE ORDER, TO PROVIDE FOR A MOTION SEEKING AN ORDER SHORTENING THE TIME PERIOD OF AN EX PARTE ORDER AND TO PROVIDE A CODE REFERENCE; AND AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7909, IDAHO CODE, TO PROVIDE THAT CERTAIN FEES SHALL BE WAIVED.

S 1374

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO GUARDIANS OF MINORS; AMENDING SECTION 15-5-201, IDAHO CODE, TO INCLUDE REFERENCE TO THE INTER VIVOS NOMINATION APPOINTMENT OF THE GUARDIAN OF A MINOR; AMENDING CHAPTER 5, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-5-202A, IDAHO CODE, AUTHORIZING THE INTER VIVOS NOMINATION APPOINTMENT OF THE GUARDIAN OF A MINOR; AMENDING SECTION 15-5-203, IDAHO CODE, TO INCLUDE REFERENCE TO THE INTER VIVOS NOMINATION APPOINTMENT OF THE GUARDIAN OF A MINOR; AMENDING SECTION 15-5-208, IDAHO CODE, TO INCLUDE REFERENCE TO THE INTER VIVOS NOMINATION APPOINTMENT OF THE GUARDIAN OF A MINOR; AMENDING SECTION 15-5-210, IDAHO CODE, TO PROVIDE FOR THE TERMINATION OF AN INTER VIVOS APPOINTMENT OF THE GUARDIAN OF A MINOR; AND AMENDING SECTION 15-5-211, IDAHO CODE, TO INCLUDE REFERENCE TO THE INTER VIVOS NOMINATION APPOINTMENT OF THE GUARDIAN OF A MINOR.

S 1375

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO THE DELEGATION OF POWERS OVER MINORS OR PERSONS WITH DEVELOPMENTAL DISABILITIES; AMENDING SECTION 15-5-104, IDAHO CODE, TO CLARIFY THE DURATION AND REVOCATION OF A POWER OF ATTORNEY DELEGATING POWERS AND TO AUTHORIZE A PARENT OR GUARDIAN OF A MINOR OR PERSON WITH A DEVELOPMENTAL DISABILITY TO DELEGATE CERTAIN POWERS UPON THE OCCURRENCE OF CERTAIN CONDITIONS.

[S 1373](#), [S 1374](#), and [S 1375](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 481](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 519](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 494](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[HCR 39](#) and [HCR 40](#), by Judiciary, Rules, and Administration Committee, were introduced, read at length, and referred to the Judiciary and Rules Committee.

[HCR 44](#) and [HCR 45](#), by Education Committee, were introduced, read at length, and referred to the Education Committee.

[H 532](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 496](#), by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 524](#), by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[H 498](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 500](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 515](#) and [H 527](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1269](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1272](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 461](#), by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[S 1327](#), [S 1351](#), and [S 1352](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[H 355](#) and [H 473](#), by Transportation and Defense Committee, were read the second time at length and filed for third reading.

[S 1234](#) and [S 1323](#), by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Fourteenth Order of Business.

General Calendar

President Little called Senator Keough to the Chair.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:20 p.m. until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Schmidt, absent and formally excused by the Chair; and Senators Brackett, Davis, Johnson, Keough, Rice, and Vick, absent and excused.

Prior to recess the Senate was at the Fourteenth Order of Business, General Calendar.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Senators Keough, Brackett, Davis, Johnson, Rice, and Vick were recorded present at this order of business.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out [S 1342](#) and [S 1293](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1342 AMENDMENT TO SECTION 2

On page 1 of the printed bill, in line 13, following "The" insert: "use of religious texts, including the"; also in line 13, following "Bible" insert: ","; in line 17, delete "astronomy, biology, geology,"; and in line 19, following "of" insert: "religious texts, including"; also in line 19, following "Bible" insert: ",".

CORRECTION TO TITLE

On page 1, in line 5, following "WHEN" insert: "RELIGIOUS TEXTS, INCLUDING"; also in line 5, following "BIBLE" delete "IS" and insert: ", ARE".

SENATE AMENDMENT TO S 1293 AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 12, delete "A student's parent or guardian is the"; delete lines 13 and 14; in line 15, delete "a" and insert: "A"; and in line 16, following "child's" insert: "public".

The Committee also has [S 1341](#), [S 1328](#), and [S 1357](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Burgoyne, the report was adopted by voice vote.

[S 1342](#), as amended, and [S 1293](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 1, 2016

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1342](#) and [S 1293](#) have been correctly printed.

LODGE, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 1, 2016

The JUDICIARY AND RULES Committee reports that [S 1342](#), as amended, and [S 1293](#), as amended, have been correctly engrossed.

LODGE, Chairman

[S 1342](#), as amended, and [S 1293](#), as amended, were filed for first reading.

March 1, 2016

The JUDICIARY AND RULES Committee reports that [S 1208](#) and [S 1202](#) have been correctly enrolled.

LODGE, Chairman

The President signed Enrolled [S 1208](#) and [S 1202](#) and ordered them transmitted to the House for the signature of the Speaker.

March 1, 2016

The AGRICULTURAL AFFAIRS Committee reports out [H 381](#) with the recommendation that it do pass.

RICE, Chairman

[H 381](#) was filed for second reading.

March 1, 2016

The TRANSPORTATION Committee reports out [H 471](#) and [H 472](#) with the recommendation that they do pass.

BRACKETT, Chairman

[H 471](#) and [H 472](#) were filed for second reading.

March 1, 2016

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Janice B. Vassar to the Idaho Transportation Board, term to expire January 31, 2022.

BRACKETT, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 332](#), [H 333](#), [H 334](#), [H 396](#), [H 397](#), [H 441](#), and [S 1359](#) with the recommendation that they do pass.

PATRICK, Chairman

[H 332](#), [H 333](#), [H 334](#), [H 396](#), [H 397](#), [H 441](#), and [S 1359](#) were filed for second reading.

March 1, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Susan Elizabeth Buxton as the Administrator of the Division of Human Resources, term to continue at the pleasure of the Governor.

PATRICK, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2016

The FINANCE Committee reports out [H 532](#), [S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), [S 1370](#), [S 1371](#), and [S 1372](#) with the recommendation that they do pass.

KEOUGH, Chairman

[H 532](#), [S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), [S 1370](#), [S 1371](#), and [S 1372](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1342](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[S 1293](#), as amended, by Education Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1285](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Siddoway, Souza, Thayne, Vick, Ward-Engelking, Winder. Total - 30.

NAYS—Buckner-Webb, Burgoyne, Jordan, Stennett. Total - 4.

Absent and excused—Schmidt. Total - 1.

Total - 35.

Whereupon the President declared [S 1285](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1280](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Den Hartog arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Siddoway, Souza, Thayn, Vick, Winder. Total - 29.

NAYS—Buckner-Webb, Burgoyne, Jordan, Stennett, Ward-Engelking. Total - 5.

Absent and excused—Schmidt. Total - 1.

Total - 35.

Whereupon the President declared [S 1280](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1312](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Brackett, Davis, Hagedorn, Keough, Lacey, Patrick, Souza, Winder. Total - 8.

NAYS—Anthon, Bair, Bayer, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Rice, Siddoway, Stennett, Thayn, Vick, Ward-Engelking. Total - 25.

Absent and excused—Lakey, Schmidt. Total - 2.

Total - 35.

Whereupon the President declared that [S 1312](#), as amended, had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

[S 1291](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Thayn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Brackett, Buckner-Webb, Burgoyne, Davis, Johnson, Jordan, Keough, Lee, McKenzie, Mortimer, Patrick, Souza, Stennett, Thayn, Ward-Engelking. Total - 16.

NAYS—Bair, Bayer, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Lacey, Lodge, Martin, Nonini, Nuxoll, Rice, Siddoway, Vick, Winder. Total - 17.

Absent and excused—Lakey, Schmidt. Total - 2.

Total - 35.

Whereupon the President declared that [S 1291](#), as amended, had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

[S 1288](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Brackett, Buckner-Webb, Burgoyne, Davis, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lee, Lodge, Martin, McKenzie, Mortimer, Patrick, Rice, Siddoway, Stennett, Thayn, Ward-Engelking, Winder. Total - 27.

NAYS—Bayer, Den Hartog, Nonini, Nuxoll, Souza, Vick. Total - 6.

Absent and excused—Lakey, Schmidt. Total - 2.

Total - 35.

Whereupon the President declared [S 1288](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1260](#), as amended, was placed at the head of the Third Reading Calendar, followed by [H 461](#), followed by Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 6:05 p.m. until the hour of 10:30 a.m., Wednesday, March 2, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary